

**In The Drawings:**

Please substitute the two sheets of drawings submitted herewith containing Figures 2 and 4 in place of the originally filed drawing sheets containing the same figures.

**REMARKS****Introductory Comments:**

Claims 1-50 are pending in the application. Claims 1, 5-16, 19, and 20 are objected to because of informalities. Claims 16-20 and 40-50 are rejected under 36 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 8, 15, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph for a gap between the steps or elements. Claims 27 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Relihan et al. (US Patent 6233310). Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-6, 8-13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Groh et al. (US Patent 6980626). Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. as applied to claims 6 and 13 above, and further in view of Nonaka (JP 2000-102529). Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Humphrey et al. (US Patent Application Publication 2005/0267351). Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Humphrey et al. as applied to claim 29 above, and further in view of Filler (US Patent Application Publication 200110051881). Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Humphrey et al., and Filler as applied to claim 38 above, and further in view of DiRienzo (US Patent Application Publication 200210194035). Claims 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Karella et al. (US Patent Application Publication 2003/0169847).

Claims 41, 42, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Karella et al., as applied to claims 40 and 43 above, and further in view of Motoki (US Patent 6920465). Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Karella et al. as applied to claim 43 above, and further in view of Annis et al. (US Patent 6628745). Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karella et al., and Motoki as applied to claim 46 above, and further in view of Yonekawa (US Patent 6504897). Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karella et al., Motoki, and Yonekawa, as applied to claim 49 above, and further in view of Cheung (US Patent 6005911). Claims 6, 7, 13, 14, 16-20, and 41 are cancelled. The Applicants respectfully request reconsideration of claims 1-5, 8-12, 15, 21-40, and 42-50.

**In Response To The Drawing Objections:**

Regarding the drawing objections discussed in paragraph 1 of the Office Action, Applicants have amended the drawings in accordance with the Examiner's suggestions. Applicants therefore submit two Replacement Sheets of drawings containing figures 2 and 4.

Applicants believe that the drawing objections are overcome in view of the aforementioned amendments to the drawings.

**In Response To The Specification Objections:**

The Specification is objected to for informalities. The Applicants respond to the aforementioned objection by amending the Specification in accordance with the Examiner's suggestions such that the objection is believed overcome. No new matter has been added.

**In Response To The Claim Objections:**

Regarding the objections to claims 20, 21, 23, 24, 26, 31, 32, 35, 36, 38, 40, 42, 44, 46, 49, and 50, the Applicants have amended the claims in accordance with the Examiner's suggestions. It is believed no further amendment is required. Important to note is that the aforementioned amendments do not alter the substance of the claims and are included merely to clarify Applicants' original intent.

**In Response To The 35 U.S.C. 101 Claim Rejections:**

Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to the Office Action, claims 21-28 claim an x-ray image data file with nonfunctional descriptive material. In response to this rejection, the Applicants have amended claim 21 to include structural limitations in accordance with claim 16 such that the host computer generates the data file. No new matter has been added. It is believed that this rejection is hereby overcome because the claim includes functional material.

**In Response To The 35 U.S.C. 112, First Paragraph Claim Rejections:**

Regarding the 35 U.S.C. 112, first paragraph rejection of claims 16-20, the Office Action determined that the specification, while being enabling for a host computer being adapted to receive a first scatter signal and a second scatter signal and further being adapted to digitally sample a first scatter signal, did not reasonably provide enablement for a host computer being adapted to receive a first plane scatter signal and a second plane scatter signal. In response to this rejection, the Applicants have cancelled claims 16-20, and this rejection is therefore rendered moot.

Regarding the 35 U.S.C. 112, first paragraph rejection of claims 40-50 the Office Action determined that the radiation source reads on other radiation sources such as a radio wave sources; which are not enabled by the

specification. In response, the Applicants amend the claims to include imaging system sources and deleting radiation sources such that the radiation sources do not read on non-medical imaging system radiation types. These changes are merely intended to clarify the Applicants' original intend, and no new matter has been added.

Claims 8 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. In response to this rejection, the Applicants amend these claims to depend from claims 6 and 13 respectively such that a first scatter correction algorithm is recited previously. These changes are merely intended to clarify the Applicants' original intend, and no new matter has been added.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements. In response to this rejection, the Applicants amend these claims to depend from claim 18 such that the required elements are recited. These changes are merely intended to clarify the Applicants' original intend, and no new matter has been added.

Claims 27 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to this rejection, claim 27 is cancelled, and claim 45 is amended to comprise a vehicle. No new matter has been added.

Applicants believe that the aforementioned amendments clarify the original intent of the claims, and that the 35 U.S.C. 112 rejections are hereby overcome.

**In Response To The 35 U.S.C. 102 Claim Rejections:**

The Office Action rejects claims 1-6, 8-13, and 15-20 because allegedly, Groh et al. discloses the elements of claim 1 including a method and corresponding system comprising generating a first x-ray flux in a first imaging plane (fig. 1, #4), generating a first image readout (col. 4, lines 13-18), digitally sampling a first scatter signal from said first x-ray flux in a second imaging plane (col. 3, lines 45-55), and generating a first compensation signal for said first scatter signal (col 4, lines 13-17).

Although the Applicants believe the claims allowable over Groh, they nevertheless amend claim 1 to include the limitations of claim 7 and amend claim 9 to include the limitations of claim 14. Claims 6, 7, 13, 14, and 16-20 are cancelled. The Office Action recognized that claims 7 and 14 are not taught by Groh, and therefore this rejection is believed overcome.

**In Response To The 35 U.S.C. 103(a) Claim Rejections:**

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. as applied to claims 6 and 13 above, and further in view of Nonaka. Although claims 7 and 14 are cancelled, the elements thereof are included in the amended claims 1 and 9 respectively; and therefore the rejections will be discussed regarding those claims.

According to the Office Action, Groh et al. discloses a method as recited above. However, the Office Action recognizes that Groh fails to disclose periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane.

According to the Office Action, Nonaka teaches periodically updating a first image display through stopping a current exposure in a second imaging plane

and reading a scatter image update resulting from an exposure in a first plane (fig. 2 and paragraphs 24 and 25).

The Applicants respectfully submit that the amended claims 1 and 9 are nonobvious because the claims and the prior art differ. The system of Groh is conventional in that it includes an X-ray arrangement for compensating for scattered radiation and does not, as pointed out in the Office Action, include periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane. The amended claims 1 and 9 now include these elements that are geared to halting an exposure in one plane and reading scatter from an exposure in another plane and, from this scatter signal, updating an image display.

Further, the Nonaka system is conventional in that it includes a biplane imaging system. More importantly, Nonaka does not disclose or suggest periodically updating an image through stopping a current exposure. The Applicants have reviewed sections of the reference cited in the Office Action and do not find any support for this. This allows a user to automatically receive more information from a dual scan than was previously possible such that a full scan may not be necessary given the information periodically received from the scatter signal. Because the prior art either alone or in combination do not teach all the limitations in claims 1 and 9, they are believed to be allowable.

Claims 2-5, 8, 10-12, and 15 depend from the amended claims 1 and 9 and are believed to be allowable for at least the aforementioned reason.

As mentioned, claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Humphrey et al. According to the Office Action, regarding claims 29-31 and 33, Groh et al. discloses a method as recited above. However, the Office Action recognizes that Groh et al. fails to

disclose generating a digital data representative of a characteristic of an object, a person's name, identification number, or physical condition, and generating a request for payment of money based upon at least said third digital data.

The Office Action alleges Humphrey et al. teaches generating a digital data representative of a characteristic of an object (paragraph 4), a person's name, identification number, or physical condition (paragraph 47), and generating a request for payment of money based upon at least said third digital data (paragraph 6).

It would not have been obvious to combine the references as the Office Action proposes. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1672, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Even if all the elements of Applicants' invention are disclosed in various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention.

Groh is directed to a typical system and method for compensating for scatter radiation. More importantly, Groh does not disclose or suggest that the system thereof would be in any way beneficial to generating digital data based on characteristics of an object and generating a request for money. Further, Humphrey is directed to a method for linking image archives to an information system. However, Humphrey does not suggest (nor does Groh) that combining the linking method of Humphrey with the scatter compensation system of Groh would be in any way beneficial for generating a request for money based on object characteristics. Neither Groh nor Humphrey teach or suggest such a combination. Therefore,

because no teaching or suggestion is found in any of the references for the combination of elements in claim 29, claim 29 is believed to be allowable.

Claims 30-39 depend from claim 29 and are believed to be allowable for at least this reason.

Regarding the rejection of claim 38 over Groh et al., Humphrey et al., and Filler, as mentioned, claim 38 depends from claim 29 and is believed to be allowable for at least this reason.

Regarding the rejection of claim 39 over Groh et al., Humphrey et al., Filler, and DiRienzo, as mentioned, claim 39 depends from claim 29 and is believed to be allowable for at least this reason.

Regarding the rejection of claim 40 and 43 over Groh et al. in view of Karella et al., the Applicants have amended claim 40 to include the elements of claim 41, which are not taught by these references. Claim 41 is cancelled, and claim 40 will be discussed regarding the rejection thereof. Claim 43 depends from the amended claim 40 and is believed to be allowable for at least this reason.

Claims 41, 42, and 46 are rejected as being unpatentable over Groh et al. and Karella et al., as applied to claims 40 and 43 above, and further in view of Motoki. According to the Office Action, Groh et al. as modified above suggests a system as recited above. However, the Office Action recognizes Groh et al. fails to disclose wherein a data processor is further configured to store digital data representative of a characteristic of a person, wherein said characteristic is one of a person's name.

Allegedly, Motoki teaches wherein a data processor is further configured to store digital data representative of a characteristic of a person, wherein said characteristic is one of a person's name (col. 5, lines 40-45).

Again, the Applicants believe that no teaching or suggestion is provided in the prior art for the proposed combination. Groh includes a scatter correction system including no mention of the system for object characteristic/identification information storage and use; Karella includes a typical fluoroscopic scanning system also including no such mention; and Motoki includes a typical radiography system that happens to include storing a patients name. More importantly, none of the systems suggest that the name storage articulated in Motoki would be beneficial to the scatter subtraction system of Groh. The Office Action recognizes benefits found in claim 40 including easier image identification but provides no reason why one skilled in the art would be motivated to combine these systems to arrive at the present invention. It is therefore believed the amended claim 40 is new and nonobvious. Claims 42-50 depend from the amended claim 40 and are believed allowable for at least this reason.

Claims 44 and 45 are rejected as being unpatentable over Groh et al. and Karella et al. as applied to claim 43 above, and further in view of Annis et al. Claims 47-49 are rejected as being unpatentable over Groh et al., Karella et al., and Motoki as applied to claim 46 above, and further in view of Yonekawa. Claim 50 is rejected as being unpatentable over Groh et al., Karella et al., Motoki, and Yonekawa, as applied to claim 49 above, and further in view of Cheung. As mentioned, these claims depend from the amended claim 40 and are believed to be allowable for at least this reason.

**Conclusions:**

In view of the aforementioned remarks, it is respectfully submitted that all pending claims are in a condition for allowance. A notice of allowability is therefore respectfully solicited. Please charge any fees required in the filing of this amendment to Deposit Account 07-0845.

Respectfully submitted,

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